

33:1-81.3

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2003 **CHAPTER:** 175
NJSA: 33:1-81.3 (Alcohol purchase identification cards)
BILL NO: S1550 (Substituted for A2369)

SPONSOR(S): Buono and others

DATE INTRODUCED: May 30, 2002

COMMITTEE: **ASSEMBLY:** ----

SENATE: Law and Public Safety

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** June 12, 2003

SENATE: May 19, 2003

DATE OF APPROVAL: September 10, 2003

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Senate Committee Substitute enacted)

S1550

[SPONSORS STATEMENT:](#) (Begins on page 2 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL NOTE: Yes [11/8/02](#)
[9/29/03](#)

A2369

[SPONSORS STATEMENT:](#) (Begins on page 2 of original bill) [Yes](#)

Bill and Sponsors Statement identical to S1550

COMMITTEE STATEMENT: **ASSEMBLY:** Yes [10-3-2002](#)
[2-27-2003](#)

SENATE: No

FLOOR AMENDMENT STATEMENT: No

[LEGISLATIVE FISCAL NOTE:](#) [Yes](#)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER CLIPPINGS: No

P.L. 2003, CHAPTER 175, *approved September 10, 2003*

Senate Committee Substitute for

Senate, No. 1550

1 AN ACT concerning county identification cards, amending P.L.2000,
2 c.87, P.L.1987, c.228, R.S.33:1-77, and P.L.1968, c.313 and
3 repealing sections 2 through 5 of P.L.1968, c.313.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7

8 1. Section 1 of P.L.2000, c.87 (C.2A:170-51.4) is amended to
9 read as follows:

10 1. a. No person, either directly or indirectly by an agent or
11 employee, or by a vending machine owned by the person or located in
12 the person's establishment, shall sell, offer for sale, distribute for
13 commercial purpose at no cost or minimal cost or with coupons or
14 rebate offers, give or furnish, to a person under 18 years of age, any
15 cigarettes made of tobacco or of any other matter or substance which
16 can be smoked, or any cigarette paper or tobacco in any form,
17 including smokeless tobacco.

18 b. The establishment of all of the following shall constitute a
19 defense to any prosecution brought pursuant to subsection a. of this
20 section:

21 (1) that the purchaser of the tobacco product or the recipient of the
22 promotional sample falsely represented, by producing either a driver's
23 license or non-driver identification card issued by the Division of
24 Motor Vehicles in the Department of Transportation, or a similar card
25 issued pursuant to the laws of another state or the federal government
26 of Canada, [or a photographic identification card issued by a county
27 clerk,] that the purchaser or recipient was of legal age to make the
28 purchase or receive the sample;

29 (2) that the appearance of the purchaser of the tobacco product or
30 the recipient of the promotional sample was such that an ordinary
31 prudent person would believe the purchaser or recipient to be of legal
32 age to make the purchase or receive the sample; and

33 (3) that the sale or distribution of the tobacco product was made
34 in good faith, relying upon the production of the identification set
35 forth in paragraph (1) of this subsection, the appearance of the
36 purchaser or recipient, and in the reasonable belief that the purchaser
37 or recipient was of legal age to make the purchase or receive the
38 sample.

39 c. A person who violates the provisions of subsection a. of this
40 section shall be liable to a civil penalty of not less than \$250 for the

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 first violation, not less than \$500 for the second violation, and \$1,000
2 for the third and each subsequent violation. The civil penalty shall be
3 collected pursuant to the "Penalty Enforcement Law of 1999,"
4 P.L.1999, c. 274 (C.2A:58-10 et seq.), in a summary proceeding
5 before the municipal court having jurisdiction. An official authorized
6 by statute or ordinance to enforce the State or local health codes or a
7 law enforcement officer having enforcement authority in that
8 municipality may issue a summons for a violation of the provisions of
9 subsection a. of this section, and may serve and execute all process
10 with respect to the enforcement of this section consistent with the
11 Rules of Court. A penalty recovered under the provisions of this
12 subsection shall be recovered by and in the name of the State by the
13 local health agency. The penalty shall be paid into the treasury of the
14 municipality in which the violation occurred for the general uses of the
15 municipality.

16 d. In addition to the provisions of subsection c. of this section,
17 upon the recommendation of the municipality, following a hearing by
18 the municipality, the Division of Taxation in the Department of the
19 Treasury may suspend or, after a second or subsequent violation of the
20 provisions of subsection a. of this section, revoke the license issued
21 under section 202 of P.L.1948, c. 65 (C.54:40A-4) of a retail dealer.
22 The licensee shall be subject to administrative charges, based on a
23 schedule issued by the Director of the Division of Taxation, which may
24 provide for a monetary penalty in lieu of a suspension.

25 e. A penalty imposed pursuant to this section shall be in addition
26 to any penalty that may be imposed pursuant to section 3 of P.L.1999,
27 c. 90 (C.2C:33-13.1).
28 (cf: P.L.2000, c.87, s.1)

29

30 2. Section 4 of P.L.1987, c.228 (C.2C:39-9.1) is amended to read
31 as follows:

32 4. A person who sells any hunting, fishing, combat or survival
33 knife having a blade length of five inches or more or an overall length
34 of 10 inches or more to a person under 18 years of age commits a
35 crime of the fourth degree; except that the establishment by a person
36 preponderance of the evidence of all of the following facts by a person
37 making the sale shall constitute an affirmative defense to any
38 prosecution therefor: a. that the purchaser falsely represented his age
39 by producing a driver's license bearing a photograph of the licensee,
40 or by producing a photographic identification card issued pursuant to
41 [section 1 of P.L.1968, c. 313 (C. 33:1-81.2)] section 2 of P.L.1980,
42 c. 47 (C.39:3-29.3), or by producing a similar card purporting to be a
43 valid identification card indicating that he was 18 years of age or
44 older, and b. that the appearance of the purchaser was such that an
45 ordinary prudent person would believe him to be 18 years of age or
46 older, and c. that the sale was made in good faith relying upon the

1 indicators of age listed in a. and b. above.

2 (cf: P.L.1987, c.228, s.4)

3

4 3. R.S.33:1-77 is amended to read as follows:

5 33:1-77. Anyone who sells any alcoholic beverage to a person
6 under the legal age for purchasing alcoholic beverages is a disorderly
7 person; provided, however, that the establishment of all of the
8 following facts by a person making any such sale shall constitute a
9 defense to any prosecution therefor: (a) that the purchaser falsely
10 represented in writing, or by producing a driver's license bearing a
11 photograph of the licensee, or by producing a photographic
12 identification card issued pursuant to [section 1 of P.L.1968, c. 313
13 (C.33:1-81.2)] section 2 of P.L.1980, c. 47 (C.39:3-29.3), or a similar
14 card issued pursuant to the laws of this State, another state or the
15 federal government that he or she was of legal age to make the
16 purchase, (b) that the appearance of the purchaser was such that an
17 ordinary prudent person would believe him or her to be of legal age to
18 make the purchase, and (c) that the sale was made in good faith relying
19 upon such written representation, or production of a driver's license
20 bearing a photograph of the licensee, or production of a photographic
21 identification card issued pursuant to [section 1 of P.L.1968, c. 313
22 (C.33:1-81.2)] section 2 of P.L.1980, c. 47 (C.39:3-29.3), or a similar
23 card issued pursuant to the laws of this State, another state or the
24 federal government and appearance and in the reasonable belief that
25 the purchaser was actually of legal age to make the purchase.

26 (cf: P.L.1985, c.503, s.1)

27

28 4. Section 1 of P.L.1968, c.313 (C.33:-1-81.2) is amended to read
29 as follows:

30 1. The county clerk in any county shall before the effective date
31 of P.L.2003, c. (C.) (now pending before the Legislature as this
32 bill) issue, upon application of any resident of that county who shall
33 have attained the age of 21 years, and who shall have supplied the
34 clerk with the necessary information required by rules and regulations
35 made by the Director of Alcoholic Beverage Control, an identification
36 card bearing the applicant's date of birth, physical description,
37 photograph, signature, and such other information, as said regulation
38 may require, attesting to the age of the applicant. The identification
39 card shall be signed by the applicant in the clerk's presence. Such cards
40 shall be numbered and a permanent record thereof maintained by the
41 clerk. No further cards shall be issued on or after the effective date of
42 P.L.2003, c. (C.) (now pending before the Legislature as this bill)
43 and cards issued prior to that date shall have no validity on or after
44 the effective date of P.L.2003, c. (C.); provided however, that the
45 county clerk shall continue to maintain the permanent record of each

1 card previously issued pursuant to the authority of this section.

2 (cf: P.L.1968, c.313, s.1)

3

4 5. Sections 2 through 5 of P.L.1968, c.313 (C.33:1-81.3 through
5 33:1-81.6) are hereby repealed.

6

7 6. This act shall take effect immediately.

8

9

10 _____

11

12 Terminates authority of counties to issue identification cards for
13 purpose of purchasing alcoholic beverages.

SENATE, No. 1550

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED MAY 30, 2002

Sponsored by:

Senator BARBARA BUONO

District 18 (Middlesex)

Senator JOSEPH SULIGA

District 22 (Middlesex, Somerset and Union)

Co-Sponsored by:

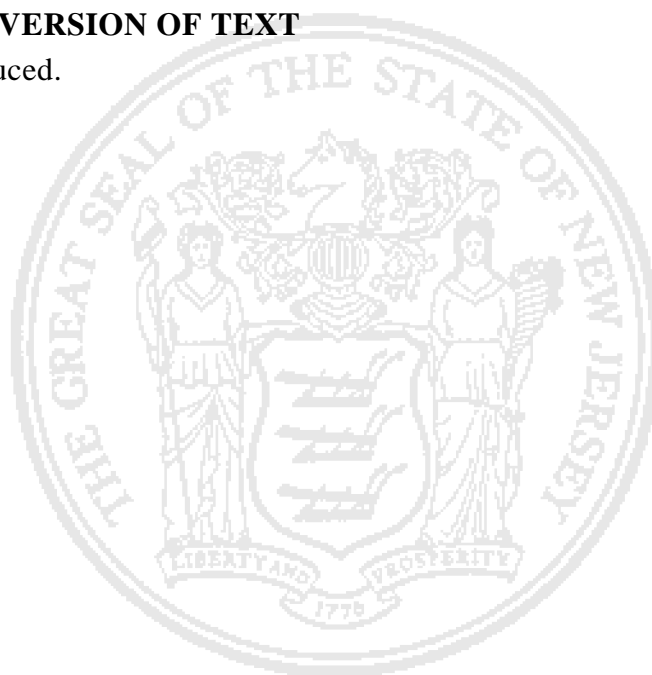
Senator Vitale

SYNOPSIS

Requires county ABC identification card applicants to prove legal residence in U.S. upon application.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/10/2002)

S1550 BUONO, SULIGA

2

1 AN ACT concerning alcoholic beverage control identification cards and
2 amending P.L.1968, c.313.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 2 of P.L.1968, c.313 (C.33:1-81.3) is amended to read
8 as follows:

9 2. The Director of Alcoholic Beverage Control shall have the
10 power to make such rules and regulations as he shall, from time to
11 time, deem proper regarding the size, style and additional content of
12 the identification card, the form and content of any application
13 therefor, applicant's photograph, the type, style and quantity of proof
14 required to verify the applicant's age, the procedure for receiving and
15 processing such application, the distribution of said card, the charge
16 to be imposed for any card more than one that he shall issue to the
17 same applicant, and all other matters the director shall deem necessary
18 or advisable for the purpose of carrying into effect the provisions of
19 this act. The director also shall require by regulation that (1) the
20 applicant provide, as a condition for obtaining the card, satisfactory
21 proof that the applicant's presence in the United States is authorized
22 under federal law, and (2) the card include a plainly printed statement
23 in a contrasting color on its front that it may be used only for proof of
24 age for the purchase of alcoholic beverages.

25 (cf: P.L.1968, c.313, s.2)

26

27 2. This act shall take effect on the first day of the fourth month
28 after enactment.

29

30 STATEMENT

31

32 Unlike the county identification card for those under age 21 or the
33 non-driver identification card issued by the Division of Motor
34 Vehicles, the card made available by the counties, under the
35 supervision of the State Division of Alcoholic Beverage Control, is
36 intended for a singular purpose: to prove that a person has attained
37 the age of 21 for the purchase of alcoholic beverages.

38 Unfortunately, some businesses have mistakenly accepted the
39 "ABC" card as evidence of legal residency. Further, some immigrants
40 who are in the country unlawfully reportedly have attempted to use the
41 card to establish proof of lawful residency. Since the cards were never
42 intended to serve such a purpose, this bill makes it clear, by requiring
43 a statement on the front of the card, that it is to be used for one

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Matter underlined thus is new matter.

S1550 BUONO, SULIGA

3

- 1 purpose only: as proof of age for the purchase of alcoholic beverages.
- 2 Applicants will also be expected to show proof of legal residence when
- 3 they apply for the card.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 1550

STATE OF NEW JERSEY

DATED: MARCH 10, 2003

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably a Senate Committee Substitute for Senate Bill No. 1550.

This committee substitute terminates the authority of county clerks to issue, in accordance with regulations adopted by the Division of Alcoholic Beverage Control, photo identification cards to persons 21 years of age or older for the purpose of purchasing alcoholic beverages. Under the substitute, persons will no longer be able to obtain the county identification cards, but they will still be able to obtain for identification purposes a non-driver identification card issued by the Division of Motor Vehicles in the Department of Transportation. The substitute requires the county clerks to continue to maintain the records of the county identification cards that have already been issued.

The purpose of the substitute is to eliminate security problems that may arise when 21 separate counties are responsible for distributing official, State sanctioned legal identification. It also eliminates the redundancy of having both the State and the counties issuing photo identifications cards. Allowing only the State-issued card will reduce the potential for unauthorized persons to forge or fraudulently obtain official legal identification cards, limit the opportunity for abuse by underage persons and enhance domestic security.

Under the substitute, identification cards issued by a county clerk prior to the effective date of the bill will no longer be valid for identification purposes (they currently may be used to verify a person's age for the purchase of tobacco products; a hunting, fishing, combat or survival knife; or alcoholic beverages). Existing card holders will need to obtain a non-driver identification card issued by the Division of Motor Vehicles for these purposes.

There are no provisions of the substitute that restrict counties from issuing other types of identification cards, and it is the committee's understanding that the substitute does not limit otherwise authorized county-issued identification cards such as senior citizen identification cards.

This committee substitute is identical to the Assembly Committee Substitute for Assembly Bill No. 2369, as reported by the Assembly Appropriations Committee on February 27, 2003

FISCAL NOTE
SENATE, No. 1550
STATE OF NEW JERSEY
210th LEGISLATURE

DATED: NOVEMBER 8, 2002

SUMMARY

Synopsis: Requires county ABC identification card applicants to prove legal residence in U.S. upon application.

Type of Impact: Minimal General Fund Expenditure Increase

Agencies Affected: Department of Law and Public Safety, Division of Alcoholic Beverage Control.

Executive Estimate

Fiscal Impact	Year 1	Year 2	Year 3
State Expenditure	\$9,400		
State Revenue	\$7,300	Minimal-See Comments Below	
Net State Cost	\$2,100		

- ! The Office of Legislative Services (OLS) **concurs** with the Executive estimate.
- ! Requires the Division of Alcoholic Beverage Control (ABC) to redesign the content of age identification cards to include a plainly printed statement in contrasting color on its front that the card may only be used for proof of age for the purchase of alcoholic beverages.
- ! Counties purchase a total of 25,000 cards per year from the division.
- ! Office of Legislative Services (OLS) estimates that the fiscal impact of this bill will be a cost to the division for the purchase of new age identification cards.

BILL DESCRIPTION

Senate Bill No. 1550 of 2002 requires the Director of the Division of Alcoholic Beverages (ABC) require by regulation that the applicant provide, as a condition for obtaining the card, satisfactory proof of the applicants presence in the United States is authorized under federal law, and that the card include a plainly printed statement in a contrasting color on its front that it may be used only for proof of age for the purchase of alcoholic beverages.

Age identification cards are authorized under the State alcoholic beverage code and are issued by counties to residents 21 years of age or older for proof of age for the purchase of alcoholic beverages.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The Office of Management and Budget analysis indicates that the revenue generated from the issuance of the identification cards would not support the costs projected by the Alcoholic Beverage Control. ABC would have to absorb these costs in their existing budget.

The operating department stated that pursuant to the language in this legislation, the Alcoholic Beverage Control would only incur additional expenses in order to provide new ID cards to the County Administration, which reflects the new language.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services (OLS) concurs with the estimate of the Office of Management and Budget (OMB) whereas the net State cost of implementing this bill would be minimal at \$2,100 the first year. This figure is based on information provided informally by the Division of Alcoholic Beverage Control that approximately 25,000 age identification cards are distributed by the division each year.

Section: *Law and Public Safety*

Analyst: *Kristin A. Brunner*
Associate Fiscal Analyst

Approved: *Alan R. Kooney*
Legislative Budget and Finance Officer

This fiscal note has been prepared pursuant to P.L.1980, c.67.

FISCAL NOTE
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 1550
STATE OF NEW JERSEY
210th LEGISLATURE

DATED: SEPTEMBER 29, 2003

SUMMARY

Synopsis: Terminates authority of counties to issue identification cards for purpose of purchasing alcoholic beverages.

Type of Impact: Minimal General Fund Expenditure.

Agencies Affected: Department of Law and Public Safety, Division of Alcoholic Beverage Control, Department of Transportation, Division of Motor Vehicles.

Executive Estimate

Fiscal Impact	Year 1	Year 2	Year 3
State Cost	Minimal - See Comments Below		

- ! The Office of Legislative Services (OLS) **concurs** with the Executive estimate.
- ! Requires the Division of Alcoholic Beverage Control (ABC) to terminate issuing identification cards for purposes of purchasing alcoholic beverages.
- ! Counties currently purchase a total of 25,000 cards per year from the Division of Alcoholic Beverage Control.
- ! Office of Legislative Services (OLS) estimates that the fiscal impact of this bill will be a minimal increase to the Division of Motor Vehicles from the request increases for non-driver identification cards.

BILL DESCRIPTION

Senate Bill No. 1550 SCS of 2002 terminates the authority of counties to issue photo identification cards, which are used to purchase alcoholic beverages, for security reasons. It also eliminates the redundancy of having both the State and the counties issuing photo identifications cards.

Age identification cards are authorized under the State alcoholic beverage code and are currently issued by counties to residents 21 years of age or older for proof of age for the

purchase of alcoholic beverages.

This bill shall not effect other county-issued identification cards such as senior citizen identification cards.

FISCAL ANALYSIS

EXECUTIVE BRANCH

Informally, the Department of Law and Public Safety stated that pursuant to the language in this legislation, the Division of Alcoholic Beverage Control (ABC) would not generate nor expend revenue by ceasing to provide non-driver identification cards. Currently, ABC provides the plastic sleeves and cards to the county at cost.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services (OLS) concurs with the estimate of the Department of Law and Public Safety whereas there would be minimal cost to the State. Based on informal information provided by the Division of Alcoholic Beverage Control, approximately 25,000 age identification cards are distributed by the division each year. The Division of Motor Vehicles in the Department of Law and Public Safety would incur a minimal cost as the issuance of non-driver identification cards increase.

Section: *Law and Public Safety*

Analyst: *Kristin A. Brunner,*
Assistant Fiscal Analyst

Approved: *Alan R. Kooney*
Legislative Budget and Finance Officer

This fiscal note has been prepared pursuant to P.L.1980, c.67.

ASSEMBLY, No. 2369

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED MAY 20, 2002

Sponsored by:

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

Assemblyman JOSEPH V. EGAN

District 17 (Middlesex and Somerset)

Co-Sponsored by:

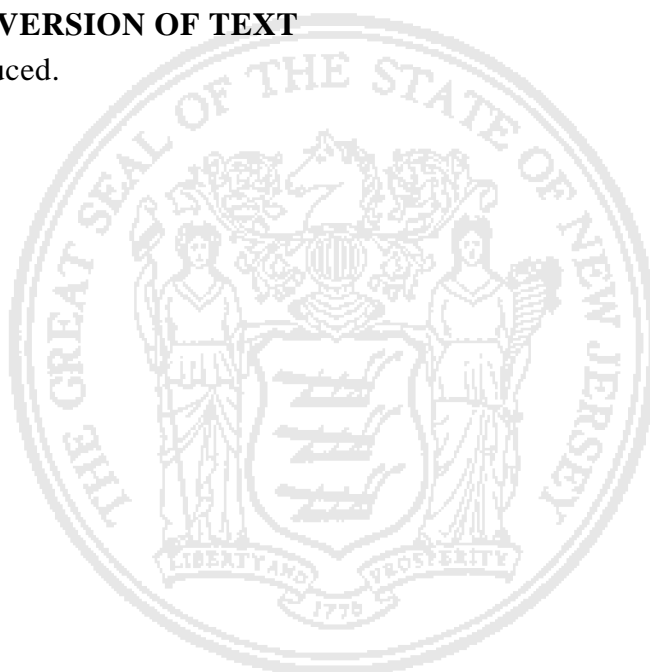
Assemblyman Diegnan

SYNOPSIS

Requires county ABC identification card applicants to prove legal residence in U.S. upon application.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/14/2002)

1 AN ACT concerning alcoholic beverage control identification cards and
2 amending P.L.1968, c.313.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 2 of P.L.1968, c.313 (C.33:1-81.3) is amended to read
8 as follows:

9 2. The Director of Alcoholic Beverage Control shall have the
10 power to make such rules and regulations as he shall, from time to
11 time, deem proper regarding the size, style and additional content of
12 the identification card, the form and content of any application
13 therefor, applicant's photograph, the type, style and quantity of proof
14 required to verify the applicant's age, the procedure for receiving and
15 processing such application, the distribution of said card, the charge
16 to be imposed for any card more than one that he shall issue to the
17 same applicant, and all other matters the director shall deem necessary
18 or advisable for the purpose of carrying into effect the provisions of
19 this act. The director also shall require by regulation that (1) the
20 applicant provide, as a condition for obtaining the card, satisfactory
21 proof that the applicant's presence in the United States is authorized
22 under federal law, and (2) the card include a plainly printed statement
23 in a contrasting color on its front that it may be used only for proof of
24 age for the purchase of alcoholic beverages.

25 (cf: P.L.1968, c.313, s.2)

26
27 2. This act shall take effect on the first day of the fourth month
28 after enactment.

29

30

31

STATEMENT

32

33 Unlike the county identification card for those under age 21 or the
34 non-driver identification card issued by the Division of Motor
35 Vehicles, the card made available by the counties, under the
36 supervision of the State Division of Alcoholic Beverage Control, is
37 intended for a singular purpose: to prove that a person has attained
38 the age of 21 for the purchase of alcoholic beverages.

39 Unfortunately, some businesses have mistakenly accepted the
40 "ABC" card as evidence of legal residency. Further, some immigrants
41 who are in the country unlawfully reportedly have attempted to use the
42 card to establish proof of lawful residency. Since the cards were never
43 intended to serve such a purpose, this bill makes it clear, by requiring

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

A2369 WISNIEWSKI, EGAN

3

- 1 a statement on the front of the card, that it is to be used for one
- 2 purpose only: as proof of age for the purchase of alcoholic beverages.
- 3 Applicants will also be expected to show proof of legal residence when
- 4 they apply for the card.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2369

STATE OF NEW JERSEY

DATED: OCTOBER 3, 2002

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 2369.

Assembly Bill No. 2369 requires applicants for a county alcoholic beverage identification card to provide proof that their presence in the United States is authorized under federal law. The bill also requires that a statement be included on the front of the identification card specifying that the card may be used only as proof of age for the purchase of alcoholic beverages.

Under current law, the county clerk may issue an identification card attesting to the age of the applicant for the purpose of purchasing alcoholic beverages. This "ABC" card includes the applicant's date of birth, physical description, photograph, signature and any other information required by the Director of Alcoholic Beverage Control.

According to the sponsor of the bill, some businesses have mistakenly accepted the ABC card as evidence of legal residency. Also, it has been reported that illegal immigrants have attempted to use the ABC card to establish proof of lawful residency.

ASSEMBLY APPROPRIATION COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 2369**

STATE OF NEW JERSEY

DATED: FEBRUARY 27, 2003

The Assembly Appropriation Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 2369.

This Assembly Committee Substitute for Assembly Bill No. 2369 terminates the authority of county clerks to issue, in accordance with regulations adopted by the Division of Alcoholic Beverage Control, photo identification cards to persons 21 years of age or older for the purpose of purchasing alcoholic beverages. Under the substitute, persons will no longer be able to obtain the county identification cards, but they will be still be able to obtain for identification purposes a non-driver identification card issued by the Division of Motor Vehicles in the Department of Transportation. The substitute requires the county clerks to continue to maintain the records of the county identification cards that have already been issued.

The purpose of the substitute is to eliminate security problems that may arise when 21 separate counties are responsible for distributing official, State sanctioned legal identification. It also eliminates the redundancy of having both the State and the counties issuing photo identifications cards. Allowing only the State-issued card will reduce the potential for unauthorized persons to forge or fraudulently obtain official legal identification cards, limit the opportunity for abuse by underage persons and enhance domestic security.

Under the substitute, identification cards issued by a county clerk prior to the effective date of the act will no longer be valid for identification purposes (they currently may be used to verify a person's age for the purchase of tobacco products; a hunting, fishing, combat or survival knife; or alcoholic beverages). Existing card holders will need to obtain a non-driver identification card issued by the Division of Motor Vehicles for these purposes.

There are no provisions of the substitute that restrict counties from issuing other types of identification cards, and it is the understanding of the committee that the substitute does not limit otherwise authorized county-issued identification cards such as senior citizen identification cards.

FISCAL IMPACT:

According to fiscal information obtained in relation to a bill on a similar subject in the prior legislative session, the counties issue about 25,000 of these cards annually.

The Division of Alcoholic Beverage Control sells cards to the counties at the cost of the product to the division, but because of handling and other costs there is actually a small revenue loss (on the order of a few cents per card) to the State that will be eliminated by this bill.

The counties receive a fee of \$6 (unchanged since 1985) for each card issued, for a gross revenue to counties of \$150,000 annually. After personnel and handling costs to the county clerks offices, elimination of card-issuing responsibilities probably results in a net savings to counties.

FISCAL NOTE
ASSEMBLY, No. 2369
STATE OF NEW JERSEY
210th LEGISLATURE

DATED: NOVEMBER 8, 2002

SUMMARY

Synopsis: Requires county ABC identification card applicants to prove legal residence in U.S. upon application.

Type of Impact: Minimal General Fund Expenditure Increase

Agencies Affected: Department of Law and Public Safety, Division of Alcoholic Beverage Control.

Executive Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Expenditure	\$9,400		
State Revenue	\$7,300	Minimum-See Comments Below	
Net State Cost	\$2,100		

- ! The Office of Legislative Services (OLS) **concurs** with the Executive estimate.
- ! Requires the Division of Alcoholic Beverage Control (ABC) to redesign the content of age identification cards to include a plainly printed statement in contrasting color on its front that the card may only be used for proof of age for the purchase of alcoholic beverages.
- ! Counties purchase a total of 25,000 cards per year from the division.
- ! Office of Legislative Services (OLS) estimates that the fiscal impact of this bill will be a cost to the division for the purchase of new age identification cards.

BILL DESCRIPTION

Assembly Bill No. 2369 of 2002 requires the Director of the Division of Alcoholic Beverages (ABC) require by regulation that the applicant provide, as a condition for obtaining the card, satisfactory proof of the applicants presence in the United States is authorized under federal law, and that the card include a plainly printed statement in a contrasting color on its front that it may be used only for proof of age for the purchase of alcoholic beverages.

Age identification cards are authorized under the State alcoholic beverage code and are issued by counties to residents 21 years of age or older for proof of age for the purchase of alcoholic beverages.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The Office of Management and Budget analysis indicates that the revenue generated from the issuance of the identification cards would not support the costs projected by the Alcoholic Beverage Control. ABC would have to absorb these costs in their existing budget.

The operating department stated that pursuant to the language in this legislation, the Alcoholic Beverage Control would only incur additional expenses in order to provide new ID cards to the County Administration, which reflects the new language.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services (OLS) concurs with the estimate of the Office of Management and Budget (OMB) whereas the net State cost of implementing this bill would be minimal at \$2,100 the first year. This figure is based on information provided informally by the Division of Alcoholic Beverage Control that approximately 25,000 age identification cards are distributed by the division each year.

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This fiscal note has been prepared pursuant to P.L.1980, c.67.